

REMARKS

Claims 1, 5-7 and 14 are pending in this application.

Rejections under 35 U.S.C. § 112, 1st paragraph

Claim 14 has been rejected under 35 U.S.C. § 112, 1st paragraph as lacking written description of "inhibiting" arteriosclerosis. The Examiner's attention is directed to page 2, second paragraph of the invention, which clearly describes that the inventors contemplated as part of their invention, the inhibition of arteriosclerosis. As such, the invention as claimed is fully supported by the specification. However, in the interest of facilitating the allowance of the application, claim 14 has been amended to recite "treating" as requested by the Examiner. Withdrawal of the rejection is therefore respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1, 5-7 and 12 have been rejected under 35 U.S.C. § 102 as being anticipated by Brink.

Claims 1, 5, 6, and 14 have been rejected under 35 U.S.C. § 102 as being anticipated by CN 1156552, JP 56029522 or FR 2454277.

Claims 1, 5, and 14 have been rejected under 35 U.S.C. § 102 as being anticipated by JP 2000095663, JP 2000239164, JP 09295928, JP 2000154134 or Ibnsaud et al.

Claims 1, 5, and 14 have been rejected under 35 U.S.C. § 102 as being anticipated by Clarke et al.

Applicants traverse these rejections and withdrawal thereof is respectfully requested. "To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention..." In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997).

The present invention, as encompassed by amended claim 1 is drawn to a method of inhibiting oxidation of low density lipoproteins which comprises administering an effective amount of a Hibiscus sabdariffa extract to a patient in need thereof; wherein oxidation of low density lipoproteins is inhibited by the Hibiscus sabdariffa extract. Thus, the present invention requires the inhibition of oxidation of low density lipoproteins.

Each of the prior art references discloses a composition of Hibiscus sabdariffa. However, none of the references disclose a method for the inhibition of oxidation of low density lipoproteins. As such, none of the references disclose the presently claimed invention and withdrawal of the rejections is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1, 5-7 and 14 have been rejected under 35 U.S.C. § 103 as being obvious over JP 2000095663, JP 2000239164, JP 09295928, JP 2000154134, Ibnsaud et al., Clarke et al., CN 1156552, JP 56029522 or FR 2454277 combined with Brink. The primary references are asserted to teach a composition and Brink is asserted to teach the composition in the form of a tablet. Applicants traverse this rejection and withdrawal thereof is respectfully requested.

There is no disclosure or suggestion in any of the references of inhibiting the oxidation of low density lipoproteins. As such, there is no suggestion of the invention in any of the references and withdrawal of the rejection is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong (Reg. No. 40,069) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/989,490

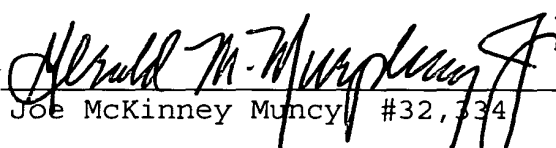
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$930.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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for

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